



# Town Council Agenda Report

**SUBJECT:** Ordinance

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), TO B-3, PLANNED BUSINESS CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 3-2-00 Synamovski, Gutierrez Architects, Inc., petitioner/Jaffe @ 595, Inc., owner - 10200 State Road 84/Generally located on the south side of State Road 84 approximately 400 feet west of Nob Hill Road.

**REPORT IN BRIEF:**

The attached ordinance rezones the subject site from A-1, Agricultural Estate District (County), to the Town's B-3, Planned Business Center District in order to construct a 2-story, 24,000 square foot office building. The applicant has provided a declaration of restrictions which limits the permitted uses on the property, and a conceptual master plan, both attached and made part of the rezoning ordinance.

**PREVIOUS ACTIONS:**

- The Town Council approved application ZB 3-2-00 (motion carried 5-0, May 3, 2000).

**CONCURRENCES:**

- The Planning and Zoning Board recommended approval of application ZB 3-2-00, subject to the planning report (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve the ordinance.

**Attachment(s):** Ordinance, Land Use Map, Subject Site Map, and Aerial.

## ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), TO B-3, PLANNED BUSINESS CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural Estate District (County), to B-3, Planned Business Center District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural Estate District (County), to B-3, Planned Business Center District of the Town of Davie Code:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the owner has voluntarily executed a deed restriction on the property described in Section 1:

a. The deed restriction is attached as Exhibit "B", which is attached hereto and made a part hereof.

SECTION 3. That the owner has provided a conceptual master plan described in Exhibit "C", which is attached hereto and made a part hereof.

SECTION 4. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-3, Planned Business Center District.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

**SKETCH AND DESCRIPTION**  
**EXHIBIT "A"**  
**TO ORDINANCE**

**LAND DESCRIPTION:**

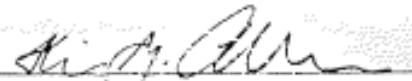
A portion of Tract 1 and Tract 2, Tier 95, and a portion of the 30 foot Right-Of-Way, JOHN W. NEWMAN'S SURVEY according to the Plat thereof as recorded in Plat Book 2, Page 26 of the Public Records Of Dade County, Florida, said portion lying in Section 7, Township 50 South, Range 41 East, being more particularly described as follows:

COMMENCING at the northwest corner of Parcel "A", NOB HILL VILLAGE according to the Plat thereof as recorded in Plat Book 134, Page 26 of the Public Records Of Broward County, Florida; thence North 75°16'05" West along the south right-of-way of Frontage Road as described in the Florida Department of Transportation Parcel Number 422, recorded in Official Records Book 8790, Page 524 of the Public Records Of Broward County, Florida, 15.00 feet to the POINT OF BEGINNING; thence South 14°43'55" W along a line 15.00 feet west of and parallel with the west boundary of said Parcel "A", 378.19 feet; thence South 88°32'34" West along a line 238.44 feet north of and parallel with the south line of said Section 7, a distance of 233.29 feet; thence North 14°43'55" East along a line 213.21 feet west of and parallel with the east property line of said Tract 1 and Tract 2, a distance of 443.25 feet to said south right-of-way; thence South 75°16'05" East along said right-of-way line 224.05 feet to the POINT OF BEGINNING.

Said lands lying and being in the Town Of Davie, Broward County, Florida containing 92,021.12 square feet (2.113 acres) more or less.

**CERTIFICATION:**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction on April 5, 2200. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

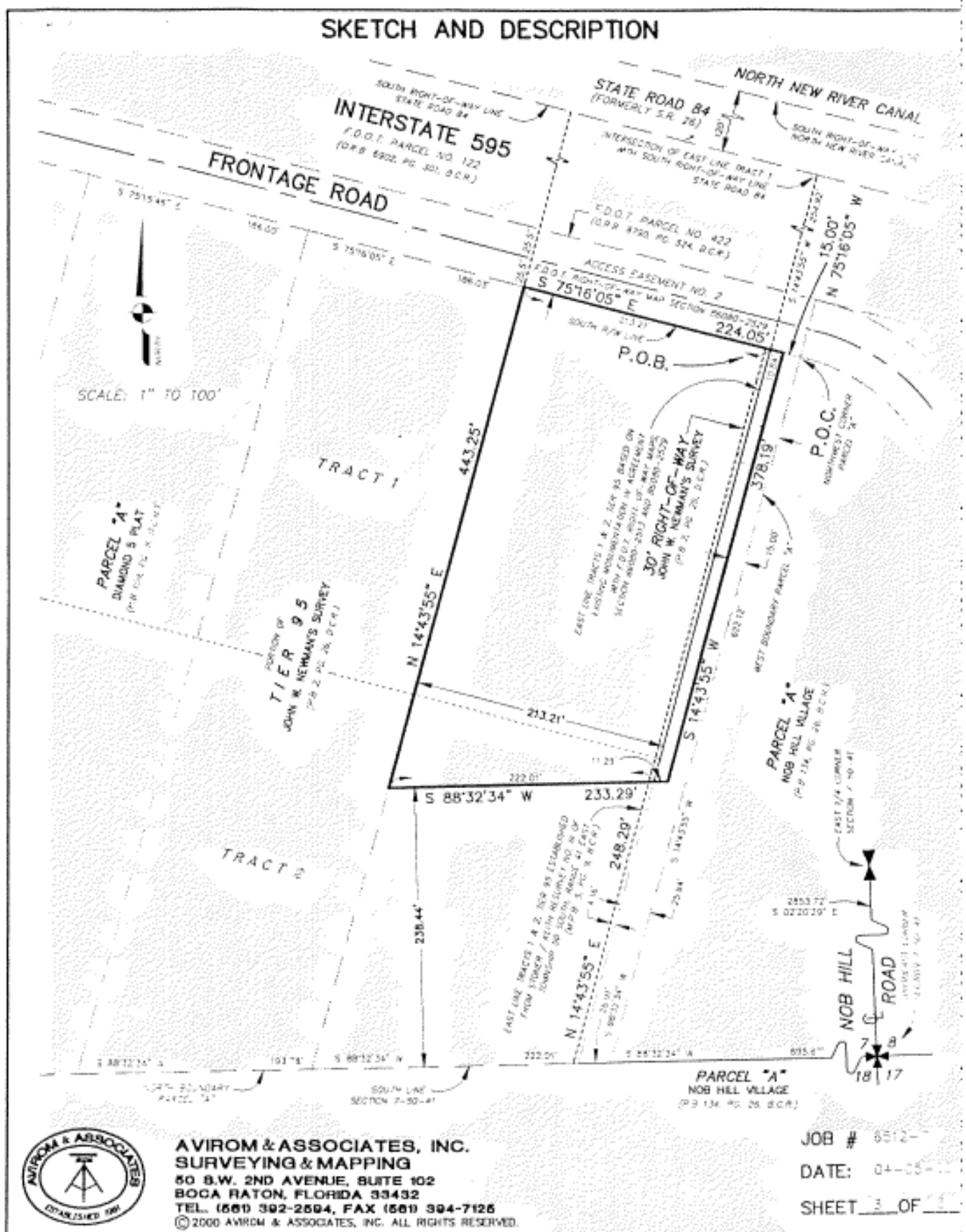
  
KEITH W. CHEE-A-TOW, P.L.S.  
Florida Registration No. 5328  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300



**AVIROM & ASSOCIATES, INC.**  
**SURVEYING & MAPPING**  
50 S.W. 2ND AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
TEL. (561) 392-2594, FAX (561) 394-7125  
© 2000 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB # 85-1-7  
DATE: 04-05-00  
SHEET 1 OF 1

# SKETCH AND DESCRIPTION



## EXHIBIT "B"

(To the Ordinance)

Prepared by: Planning & Zoning Division  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Return To: Town Clerk's Office  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

### DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, E.D.J. ENTERPRISES, INC., a Florida corporation; ADJESLAN ENTERPRISES, INC., a Florida corporation; and JOHN MORRIS, whose address for these purposes shall be 10081 Pines Boulevard, Suite A, Pembroke Pines, Florida 33024, collectively being the owners of that certain real property located in the Town of Davie, Broward County, Florida and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above-described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above-described property shall not be used for the following uses:

Those uses as permitted under Article III, Use Regulations, Division I, Permitted Uses, Section 12-30 through 12-32, of the Town of Davie Land Development Code, pertaining to the B-3, Planned Business Center District, including pawnshops; bars and lounges; dance halls and clubs; game rooms and arcades; mortuaries; night clubs; private clubs; watchman's apartments; agricultural uses; adult establishments; hotels; motels; and the sale or rental of new or used automobiles, trucks, utility trailers, motorcycles, and boats.

2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
3. Development of the described property shall be in conformance with the proposed Conceptual Site Plan attached hereto and made a part hereof as Exhibit "B," or any amendment thereto approved by the Town of Davie.
4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.



5. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

6. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

[Signatures begin on the next page]

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_ day of  
January, 2000.

Signed, sealed and delivered  
In the presence of:

JAFFE OF 595, INC.,  
a Florida Corporation

By *Gary S. Kaminsky*  
Gary S. Kaminsky,  
Executive Director

*Emery Jaffe*  
Witness signature  
PRINT: Emery Jaffe

*Mary Tompkins*  
Witness signature  
PRINT: Mary Tompkins

STATE OF FLORIDA       )  
                                      ) SS:  
COUNTY OF               )

The foregoing instrument was acknowledged before me this 7 day of  
January, 2000 by Gary S. Kaminsky, Executive Director of JAFFE OF 595, INC., a  
Florida corporation, who is personally known to me or produced  
\_\_\_\_\_ as identification.

Notary Public

*Annette Kaminsky*  
Signature  
Annette Kaminsky  
Commission # 00508472  
Expires Feb. 7, 2004  
Bonded Thru  
Atlantic Bonding Co., Inc.  
Print Name



## SKETCH AND DESCRIPTION

### EXHIBIT "A"

TO DECLARATION OF  
RESTRICTIONS

#### LAND DESCRIPTION:

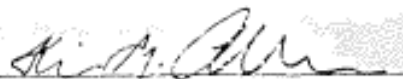
A portion of Tract 1 and Tract 2, Tier 95, and a portion of the 30 foot Right-Of-Way, JOHN W. NEWMAN'S SURVEY according to the Plat thereof as recorded in Plat Book 2, Page 26 of the Public Records Of Dade County, Florida, said portion lying in Section 7, Township 50 South, Range 41 East, being more particularly described as follows:

COMMENCING at the northwest corner of Parcel "A", NOB HILL VILLAGE according to the Plat thereof as recorded in Plat Book 134, Page 26 of the Public Records Of Broward County, Florida; thence North 75°16'05" West along the south right-of-way of Frontage Road as described in the Florida Department of Transportation Parcel Number 422, recorded in Official Records Book 8790, Page 524 of the Public Records Of Broward County, Florida, 15.00 feet to the POINT OF BEGINNING; thence South 14°43'55" W along a line 15.00 feet west of and parallel with the west boundary of said Parcel "A", 378.19 feet; thence South 88°32'34" West along a line 238.44 feet north of and parallel with the south line of said Section 7, a distance of 233.29 feet; thence North 14°43'55" East along a line 213.21 feet west of and parallel with the east property line of said Tract 1 and Tract 2, a distance of 443.25 feet to said south right-of-way; thence South 75°16'05" East along said right-of-way line 224.05 feet to the POINT OF BEGINNING.

Said lands lying and being in the Town Of Davie, Broward County, Florida containing 92,021.12 square feet (2.113 acres) more or less.

#### CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction on April 5, 2200. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

  
KEITH M. CHEE-A-TOW, P.L.S.  
Florida Registration No. 5328  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300



AVIROM & ASSOCIATES, INC.  
SURVEYING & MAPPING  
60 S.W. 2ND AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
TEL. (561) 392-2594, FAX (561) 394-7125  
© 2000 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB # 88-4-  
DATE: 5-1-00  
SHEET 1 OF 1

**SKETCH AND DESCRIPTION**

**INTERSTATE 595**  
F.O.D. PARCEL NO. 129  
(D.P.B. 6902 PG. 101, D.C.R.)

**FRONTAGE ROAD**

**STATE ROAD 84**  
(FORMERLY S.R. 26)

**NORTH NEW RIVER CANAL**

**TRACT 1**

**TRACT 2**

**PARCEL "A" DIAMOND 5 FLAT**  
(P.B. 100 PG. 10, D.C.R.)

**TIER 95**  
JOHN W. NEWMAN'S SURVEY  
(P.B. 2 PG. 26, D.C.R.)

**30' RIGHT-OF-WAY**  
JOHN W. NEWMAN'S SURVEY  
(P.B. 2 PG. 26, D.C.R.)

**PARCEL "A" NOB HILL VILLAGE**  
(P.B. 134 PG. 28, D.C.R.)

**PARCEL "A" NOB HILL**  
(P.B. 134 PG. 28, D.C.R.)

**NOB HILL ROAD**

**SCALE: 1" TO 100'**

**AVIROM & ASSOCIATES, INC.**  
SURVEYING & MAPPING  
50 S.W. 2ND AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
TEL. (561) 392-2504, FAX (561) 394-7126  
©2000 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

**JOB # 6012-1**  
**DATE: 04-08-00**  
**SHEET 3 OF 3**



**AVIROM & ASSOCIATES, INC.**  
**SURVEYING & MAPPING**  
50 S.W. 2ND AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
TEL. (561) 392-2594, FAX (561) 394-7125  
© 2000 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB # 6812-

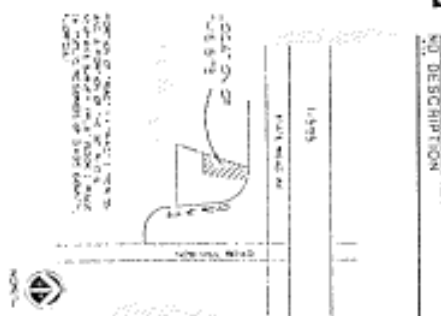
DATE: 04-28

SHEET 3 OF 3

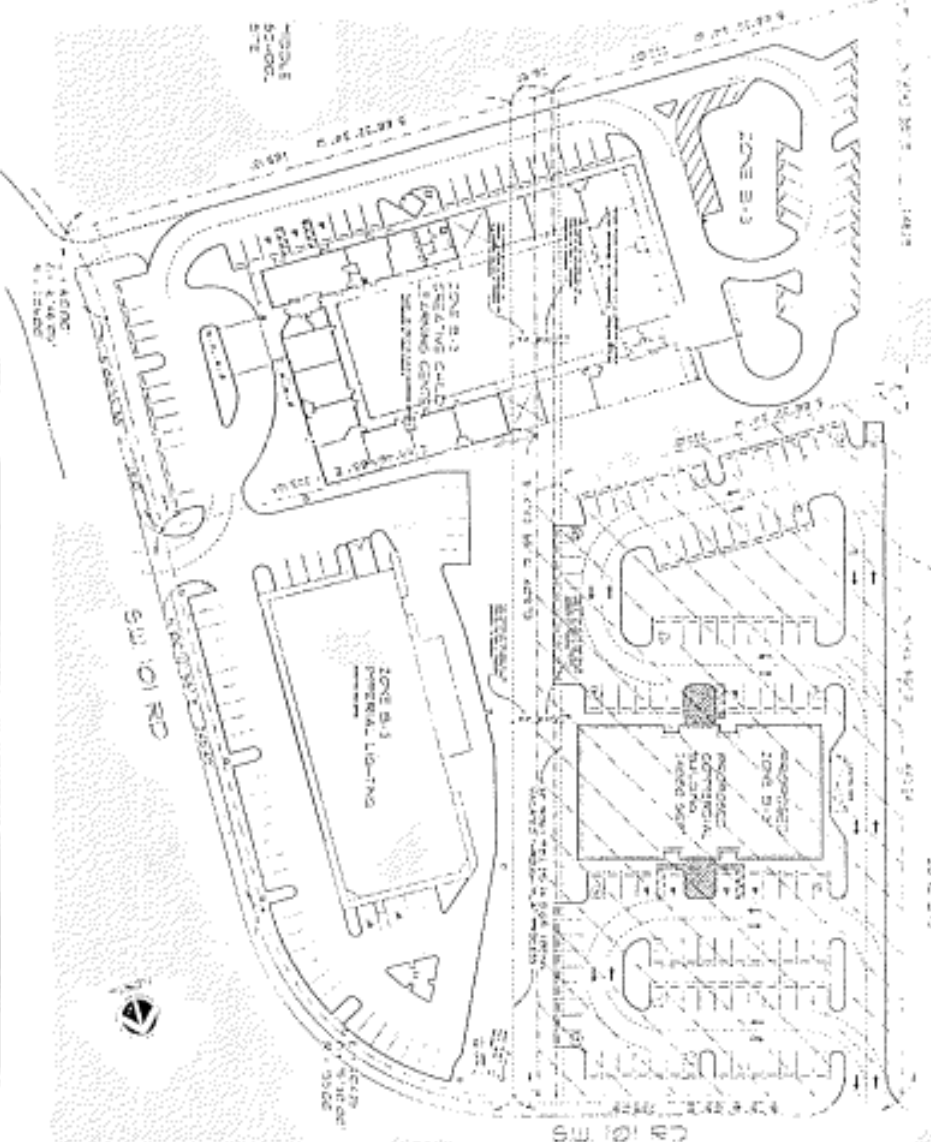


# EXHIBIT "C" TO ORDINANCE

2 LOCATION MAP



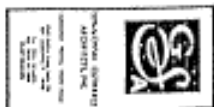
3 CONCEPTUAL SITE PLAN



1	1.0000
2	1.0000
3	1.0000
4	1.0000
5	1.0000
6	1.0000
7	1.0000
8	1.0000
9	1.0000
10	1.0000
11	1.0000
12	1.0000
13	1.0000
14	1.0000
15	1.0000
16	1.0000
17	1.0000
18	1.0000
19	1.0000
20	1.0000
21	1.0000
22	1.0000
23	1.0000
24	1.0000
25	1.0000
26	1.0000
27	1.0000
28	1.0000
29	1.0000
30	1.0000
31	1.0000
32	1.0000
33	1.0000
34	1.0000
35	1.0000
36	1.0000
37	1.0000
38	1.0000
39	1.0000
40	1.0000
41	1.0000
42	1.0000
43	1.0000
44	1.0000
45	1.0000
46	1.0000
47	1.0000
48	1.0000
49	1.0000
50	1.0000
51	1.0000
52	1.0000
53	1.0000
54	1.0000
55	1.0000
56	1.0000
57	1.0000
58	1.0000
59	1.0000
60	1.0000
61	1.0000
62	1.0000
63	1.0000
64	1.0000
65	1.0000
66	1.0000
67	1.0000
68	1.0000
69	1.0000
70	1.0000
71	1.0000
72	1.0000
73	1.0000
74	1.0000
75	1.0000
76	1.0000
77	1.0000
78	1.0000
79	1.0000
80	1.0000
81	1.0000
82	1.0000
83	1.0000
84	1.0000
85	1.0000
86	1.0000
87	1.0000
88	1.0000
89	1.0000
90	1.0000
91	1.0000
92	1.0000
93	1.0000
94	1.0000
95	1.0000
96	1.0000
97	1.0000
98	1.0000
99	1.0000
100	1.0000

CONCEPTUAL  
SITE PLAN

OFFICE BUILDING FOR:  
JAFFE AT S95, INC.  
10401 Gt. River Road



PETITION NUMBER  
ZB 3-4-00  
Source: Town of Davis Future Land Use Map  
PREPARED 3/11/00  
BY THE PLANNING &  
ZONING DIVISION  
Scale: 1"=300'

N  
4

ndary

COMMERCIAL

N. New River Canal

State Rte. 84

SUBJECT SITE



N. Hill Rd.

7 8

18 17

COMMERCIAL

COMMERCIAL

5 DU/AC RESIDENTIAL

Boundary

N. New River Canal

State Rd. 84

(County)

Parcel B

Parcel C

CC

Parcel A

B-1

G.B.C. Plat (144-5)

SUBJECT SITE

CC

A-1

(County)

Nob Hill Village (134-26)

B-3

Parcel A

Parcel B

CC

070010

Parcel A

G.B.C. Plat (144-5)

CF

Nob Hill Village (134-26)

Parcel "A"

PETITION NUMBER

ZB 3-2-00

N

4

PREPARED 4/11/00  
BY THE PLANNING &  
ZONING DIVISION

Scale: 1"=300'

110230	110240	110250	110260	110270	110280	110290	110300	110310
10491	10481	10431	10401	10391	10361	10331	10301	11612





SCHOOL

N



DATE FLOWN  
JANUARY 1998  
SCALE: NTS  
ZB 3-2-00